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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of)
)
800 Data Base Access Tariffs)
and the 800 Service Management)
System Tariff)

CC Docket No. 93-129

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

OPPOSITION TO APPLICATION FOR REVIEW

Sprint Communications Company, L.P., hereby respectfully
submits its opposition to the application for review of the
Bureau's January 31 Order¹ filed on March 2, 1994 by
Ameritech, Bell Atlantic, Pacific Bell, Nynex and US West.

In the January 31 Order (93-14-15), the Bureau concluded
that the LECs had failed to demonstrate why data and cost mod-
els used to develop 800 data base rates should not be dis-
closed as part of the public record in the 800 data base in-
vestigation. The Bureau directed the LECs to either use al-
ternative methods which do not reveal proprietary or confiden-
tial information to calculate 800 vertical features service
rates, or alternatively, to continue to use their cost models
and to release relevant information to interested parties that
signed protective agreements.

Petitioners allege (p. 2) that the Bureau's order
"directly countermands a prior order of the full Commission on
precisely the same subject" (citing the ONA proceeding, CC
Docket No. 92-91). They also state (p. 5) that "a reasonable

¹In the Matter of 800 Data Base Access Tariffs and the
800 Service Management System Tariff, CC Docket No. 93-129,
Order released January 31, 1994 (DA 94-99).

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alternative method to use of vendor data and the sophisticated computer cost models relied on by petitioners simply does not exist for 800 vertical features."

In its January 31 Order (§14), the Bureau distinguished between the ONA investigation and the 800 data base investigation. The same switch can provide many dissimilar ONA services, but only "a few" 800 services "of similar nature." And, contrary to Petitioners' assertion (p. 8), the Bureau did not conclude that "the less important the tariff filing, the more willing the Commission is to risk either inaccurate cost support or disclosure of secret information." Rather, the Bureau found that because vertical feature revenues were small relative to basic query revenues, it should be easier to develop a way to allocate costs of shared facilities (i.e., the switch) which relies on tools other than the SCIS models. It is unclear from Petitioners' application whether alternative costing methodologies and tools could reasonably have been developed; the affidavits filed with the application simply state that the employee submitting the affidavit was "not aware" of the existence of other processes.

Even if it is the case that the BOCs cannot use an alternative method to compute 800 vertical feature rates, there is no legal or rational basis for their continuing refusal to provide information to intervenors such as Sprint which have already agreed to enter into reasonable protective agreements to safeguard any confidential data and any proprietary cost models. Protective agreements are the traditional means of

safeguarding sensitive materials, and there is no evidence to suggest that such agreements would not be adequate in this proceeding. Although the BOCs now propose to provide "virtually unredacted" CCSCIS documentation and vendor certification (but apparently not the software or certain vendor information) to intervenors who sign a protective agreement (Application, n. 20), it remains unclear how useful or complete such information will be. Without additional details from the BOCs, as well as information as to the terms of any protective agreement they might wish intervenors to sign, Sprint cannot commit to accepting petitioners' proposal.

Finally, the instant application again raises the same arguments against cost support disclosure as have been raised previously both in this proceeding and in the ONA investigation. However, the Commission has already considered such arguments and has made clear that it did not expect the SCIS disclosure procedures used in the ONA proceeding to be routinely used in future investigations.² Petitioners do not deny the importance of a public record to assess the reasonableness of their rates. While they may indeed have hoped that the restrictions which applied in the ONA investigation would be applied elsewhere, it is unreasonable to demand that


²See January 31 Order, ¶4, citing In the Matter of Commission Requirements for Cost Support Material to be Filed with ONA Tariffs, Application for Review, Order released December 15, 1993 (FCC 93-531), n. 17; In the Matter of ONA Tariffs of Bell Operating Companies, CC Docket No. 92-91, Order released December 15, 1993 (FCC 93-532), para. 78, n. 163.

these same restrictions should apply in every other proceeding in which they would prefer not to make adequate cost support available.

Therefore, the instant application for review should be denied.

Respectfully submitted,

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March 17, 1994

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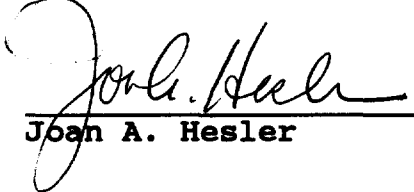
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